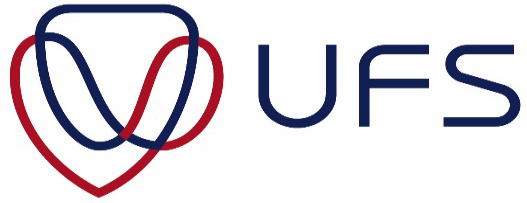


UNIVERSITY OF THE
FREE STATE
UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



Policy of the University of the Free State on a Smoke-and-Vape-free Workplace

Approved at Council, 24 March 2023

POLICY STATEMENT	
1. Preamble/ background	<p>As a leading university in Africa, driven by the pursuit of knowledge and innovation, the University of the Free State (hereinafter referred to as the UFS) has adopted the Policy on a Smoke- and Vape-free Workplace.</p> <p>1.1 The Tobacco Products Control Act, 83 of 1993 as amended [“the Act”] stipulates that the smoking of tobacco products is prohibited in any public place.</p> <p>1.2 All areas as defined in paragraph 6.3.1 of this policy are declared smoke- and vape-free areas, and the smoking of tobacco products and vaping in such areas is prohibited.</p> <p>1.3 Regulation 975 of 2000 in terms of the Act compels every employer to compile a written policy on smoking in the workplace.</p> <p>1.4 All persons are encouraged at all times to consider the harmful effects of smoking. It is expected that the rights of non-smokers will be respected.</p>
2. Purpose	<p>2.1 The UFS is committed to compliance with all relevant employment legislation, such as legislation on smoking by the South African government.</p> <p>2.2 Smoking at the workplace is regulated by the Tobacco Products Control Act, 83 of 1993 as amended. The South African government brought South African legislation in line with the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).</p> <p>2.3 The university recognises the adverse effects of smoking, including passive smoking, and the rights of university staff and students to work and study in a safe and healthy environment that is smoke-free.</p>
3. Scope	<p>3.1 This policy is applicable to all visitors to the UFS, UFS employees and any other person who assists in the day-to-day functioning of the university. (This includes, but is not limited to, permanent, fixed-term, casual and temporary employment contracts, and also temporary staff from agencies, staff supplied by labour brokers, contractors, and subcontractors.)</p> <p>3.2 The policy also applies to all university premises, including all university campuses and all university vehicles.</p>
4. Definitions and abbreviations	<p>“Entrance” Any point of access to a public place, including any adjoining covered surrounding area.</p> <p>“Outdoor eating or drinking area” The outdoor areas on the UFS premises, including streets and sidewalks that are available to and customarily used by the public or</p>

employees and have been designed/established, or are regularly used, for consuming food and beverages.

“Outdoor event”

An organised public gathering that focuses on music, dancing, theatre, drama, entertainment, education, sport, a performance, a community fair, parade, market, or event, and is attended by people in an outdoor public place.

“Reasonable distance”

A distance that ensures that any person present in an area in which smoking and vaping is prohibited is not exposed to smoke and vapour created by any person smoking outside the area. The distance shall be a minimum of five (5) metres.

“Service area”

Any area that is designed to be regularly used, or is regularly used, by one or more persons to receive or wait to receive a service, enter a public place, or carry out a transaction (whether such service includes the exchange of money or not), which areas include ATMs, telephone kiosks, ticket lines, bus stops and taxi ranks.

“Service line”

An outdoor queue in which one or more persons are waiting for or receiving service of any kind.

“Ventilation inlet”

The part of a mechanical ventilation system designed to allow air into a building.

“Window”

Any operable window.

“Workplace”

Any indoor enclosed or partially enclosed area in which employees perform the duties of their employment.

“Vaping”

The inhaling and exhaling of vapour produced by an electronic cigarette or similar device.

“Smoking”

The inhaling and exhaling of smoke produced by a tobacco product such as a hookah (also known as a hubbly).

“Public place”

Any indoor, enclosed or partially enclosed area that is open to the public, which includes a workplace and public conveyance.

“Tobacco product”

A product containing tobacco that is intended for human consumption, including, but not limited to, any device, pipe, water pipe, paper, tube, filter, or similar object manufactured for use in the consumption of tobacco.

<p>5. Guiding principles</p>	<p>5.1 The policy must be made available and accessible to all employees and students. The prohibition applies to all the employees, students, contractors and visitors of the UFS, regardless of their rank or seniority. “No Smoking” notices shall be displayed prominently in areas accessible to the public. Members of the public who smoke or vape in prohibited areas must be asked politely to stop doing so.</p> <p>5.2 An employee, student, contractor or visitor who contravenes the prohibitions against smoking or vaping stipulated in paragraph 6.1 of the policy will be charged in terms of the various applicable procedures set out in the Disciplinary Code and policies of the UFS.</p> <p>5.3 Complaints by any employee, student or member of the public regarding the enforcement of the policy, or against an employee who contravenes the policy, must be addressed in terms of the formal Grievances Policy and Procedure of the UFS.</p>
<p>6. Policy/procedure</p>	<p>6.1 Prohibition of smoking in public places</p> <p>6.1.1 The Tobacco Products Control Act, 83 of 1999 as amended [“the Act”) stipulates that the smoking of tobacco products is prohibited in any public place.</p> <p>6.1.2 All areas as defined in paragraph 6.3.1 of this policy are declared smoke- and vape-free areas, and the smoking of tobacco products in such areas is prohibited.</p> <p>6.1.3 Regulation 975 of 2000 in terms of the Act compels every employer to compile a written policy on smoking in the workplace.</p> <p>6.2 The rights of smokers and vapers in a smoke- and vape- free workplace</p> <p>6.2.1 The implementation of a policy for a smoke- and vape-free workplace does not oblige smokers and vapers to stop their consumption of tobacco products. It merely requires them to respect their workplace and colleagues.</p> <p>6.2.2 However, smokers and vapers must comply with the stipulations of this policy, or else they will be subjected to disciplinary action in terms of paragraph 6.6 of this policy.</p> <p>6.3 Prohibited areas</p> <p>6.3.1 Smoking is strictly prohibited inside all buildings on the premises of the UFS. However, the UFS reserves the right to create specific smoking zones that meet the requirements set out in paragraph 6.4 of this policy. The creation of such smoking areas will only be considered by the UFS in exceptional cases and on a concession basis.</p>

- 6.3.2 No person shall smoke or vape any tobacco product within 10 metres of a building window or a ventilation inlet of a public place, or a doorway or entrance into such a public place.
- 6.3.3 “No Smoking/Vaping” signs shall be displayed prominently around buildings to ensure that employees, students and the public are aware that smoking is not permitted in the area or place.
- 6.3.4 Smoking or vaping is strictly prohibited in vehicles belonging to the UFS.
- 6.3.5 Smokers shall ensure that they dispose of cigarette butts or any other smoking-related products in designated waste bins carrying the following written warning: “ANY PERSON WHO FAILS TO COMPLY WITH A NO SMOKING NOTICE, SHALL BE DISCIPLINED AND MAY BE LIABLE TO PAY A FINE”. This is in line with the university’s Standard Operating Procedure (SOP)
- 6.3.6 The prohibition applies to all employees and students at the UFS, regardless of their rank or seniority.

6.4 Smoking areas

- 6.4.1 Regulation 975 of 2000 in terms of the Act stipulates that an employer may designate a room (to be approved by the OHS Office), an enclosed area or a suitable outdoor area as a smoking zone, subject to the following conditions:
 - a) There must be a separate ventilation system that extracts air to the outside.
 - b) The designated smoking area must be separated from the rest of the workplace by a concrete wall or another solid partition and an entrance door on which the notice “**SMOKING AREA**” appears in black and white letters (letters must have a height of 2 cm and a breadth of 1,5 cm).
 - c) The designated smoking area may not exceed 25% of the total surface of the public area.
 - d) No person under the age of 18 years may be present.
 - e) No food or refreshments may be served within the designated smoking area.
 - f) No entertainment may be provided within the designated smoking area.
 - g) Ashtrays must be available, and the designated smoking area must be regularly cleaned.
 - h) Those smoking and vaping must be discouraged from remaining in the designated smoking area longer than is necessary to smoke a cigarette and to vape.
 - i) The creation of a designated smoking area must comply with the preferences and needs of employees and students who do not wish to be exposed to tobacco smoke and vapour. Any employee or student may object against smoke and vapour in his/her workplace or study area without fear of reprisal.

	<p>6.4.2 Regulation 975 of 2000 in terms of the Act further stipulates that an employer may totally prohibit smoking on the premises of the public place concerned.</p> <p>6.5 Members of the public</p> <p>A “No Smoking/Vaping” sign shall be displayed prominently around the buildings accessible to the public. This is to ensure that members of the public are aware that smoking is not permitted in the area. Members of the public who smoke or vape in prohibited areas should be asked politely to stop doing so. They may smoke or vape outside the campus or in the designated smoking areas.</p> <p>6.6 Disciplinary action</p> <p>Any employee, student, contractor or visitor who contravenes the prohibitions against smoking and vaping stipulated in paragraph 6.3 of the policy will be charged in terms of the various applicable procedures set out in the Disciplinary Code and policies of the UFS.</p> <p>6.7 Sale and Advertising of Tobacco Products</p> <p>6.7.1 The illegal selling of tobacco products on any of the UFS campuses is strictly prohibited in terms of Section 4(4)(b) Tobacco Products Control Act 83 of 1993 (as amended).</p> <p>6.7.2 Any person who contravenes or fails to comply with Section 5 of Tobacco Products Control Amendment Act, 2007 (as amended) shall be guilty of an offence and liable on conviction to a fine not exceeding R100 000.</p> <p>6.7.3 The advertising of tobacco related products on the university campuses is strictly prohibited</p> <p>6.8 Communication</p> <p>The policy must be made available and must be accessible to all employees and students.</p> <p>6.9 Complaints</p> <p>Complaints by any employee, student or member of the public regarding the enforcement of the policy, or against an employee who contravenes the policy, must be addressed in terms of the formal Grievances Policy and Procedure of the UFS.</p>
<p>7. Responsibility</p>	<p>7.1 All employees of the university are responsible for implementing this policy and for ensuring compliance with the policy.</p> <p>7.2 University Estates will be responsible for:</p>

	<p>a) The clear marking of designated smoking areas across the university premises and the listing of these on the UFS website.</p> <p>b) Ensuring appropriate signage of designated smoking areas. Induction of all contractors working on the premises.</p> <p>c) Induction of all contractors working on the premises.</p> <p>7.3 Assistant Director: Occupational Health and Safety</p> <p>a) Providing effective education programmes for staff and students in relation to the implementation of this policy and the harmful effects of smoking in general.</p> <p>b) Updating information on the UFS website for staff and students concerning legislative restrictions on smoking.</p> <p>c) Ensuring that appropriate information posters are distributed across UFS premises.</p> <p>d) Regularly reporting to the OHS committee regarding the implementation of the policy.</p>
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8. Accountability and Authority:	
8.1 Implementation:	<p>8.1.1 Any employee or student who contravenes the prohibitions against smoking stipulated in paragraph 6.1 of the policy will be charged in terms of the various applicable procedures set out in the Disciplinary Code and policies of the UFS.</p> <p>8.1.2 Complaints by any employee, student or member of the public regarding the enforcement of the policy, or against an employee who contravenes the policy, must be addressed in terms of the formal Grievances Policy and Procedure of the UFS.</p> <p>8.1.3 The executive management shall delegate responsibilities involving the ongoing monitoring and updating of this policy, as well as the maintenance of systems implemented to ensure compliance, to the OHS Office and Protection Services. For instance, the executive management should ensure that smoking and non-smoking areas are identified and maintained, as well as that updated information is included in induction programmes for employees and students.</p>
8.2 Compliance:	8.2.1 Senior Director: University Estates
8.3 Monitoring and evaluation:	8.3.1 Vice-Rector: Operations
8.4 Development/review:	8.4.1 Senior Director: University Estates
8.5 Approval authority:	8.5.1 Council
8.6 Interpretation and advice:	8.6.1 Vice-Rector: Operations 8.6.2 Senior Director: University Estates

9. Who should know this policy?
All visitors of the UFS, UFS employees and any other person who assists in the day-to-day functioning of the UFS.

10. Policy/procedure implementation plan	State what will be required to implement the policy. An implementation plan should be developed and submitted with the final draft document. No policy shall be considered and approved without an Implementation Plan.
11. Resources required	<p>11.1 Smoking is strictly prohibited inside all buildings on the premises of the UFS. However, the UFS reserves the right to create specific smoking zones that meet the requirements set out in paragraph 6.4 of this policy. The creation of such smoking areas will only be considered by the UFS in exceptional cases and on a concession basis. The designation of such smoking areas will require financial as well as human resources from the UFS. Space will also have to be created to accommodate the needs of such smoking areas.</p> <p>11.2 “No Smoking” notices must be displayed prominently and placed at entrances and other areas accessible to the public. Financial as well as human resources will be required for the design and installation of these signs.</p>

12. Answers to FAQs	
	List questions asked by participants in the development of the policy. Provide answers that will help direct action within the relevant departments.

EFFECTIVENESS OF THE POLICY	
Performance Indicator(s):	To be completed on review by the person responsible for implementation, monitoring and evaluation.

Policy Record

Document name	Policy of the University of the Free State on a Smoke- and Vape-free Workplace
Document number	OP1000/1.0/23.2
Coordinating UMC member	Senior Director: University Estates
Contact person	Assistant Director: Occupational Health and Safety
Status	Approved
Approved by	Council
Date finally approved	24 March 2023
Date last amended	
Date for next review	24 March 2026
Person responsible for review	Assistant Director: Occupational Health and Safety
Monitoring by	Vice-Rector: Operations
Related documents	See management coversheet
Effective date	24 March 2023